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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,039	02/27/2004	Kevin M. Kidnie	1273US (EKC 90018)	8347

1333 7590 12/30/2005

BETH READ
PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER, NY 14650-2201

EXAMINER

HESS, BRUCE H

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/789,039	KIDNIE ET AL.	
	Examiner	Art Unit	
	Bruce H. Hess	1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5-27-04 (IDS) and 6-8-05 (IDS)
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-21, 23-28, 31-34 and 40-52 is/are rejected.
- 7) ☒ Claim(s) 10-16, 22, 29, 30 and 35-39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5-27-04 and 6-8-05</u> | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1774

Claims 1-6, 17, 18, 20, 21, 23-27, 33, 34 and 40-52 are rejected under 35 USC 102 (b) as being anticipated by the patent to Fisch et al. (USP 5,372,987).

Claims 1-6, 17, 20, 21, 23-27, 33, 34 and 40-52 are rejected under 35 USC 102 (b) as being anticipated by the patent to Watanabe et al. (EP 0 587 148).

Claims 1-9, 17-21, 23-28, 31-34 and 40-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Fisch et al.

Claims 1-6, 17, 20, 21, 23-28, 31-34 and 40-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Watanabe et al.

Both of these patents teach multi-layer thermal imaging receptors comprising a support, a heat sensitive releasable transfer layer, an interfacial bonding layer and an image receiving layer. The "polyvinyl resins" in the releasable layer of Fisch et al. are clearly suggestive of the claimed polyvinyl butyral in the claimed releasable layer. The experimental modification of this prior art in order to ascertain optimum operating conditions (e.g., determine compositional proportions) fails to render applicant's claims patentable in the absence of unexpected results.

It is noted that the rejections over Fisch et al. can be overcome by the recitation of the limitation that the interfacial bonding layer does not function as a dye barrier layer (see paragraph [0047] in the specification).

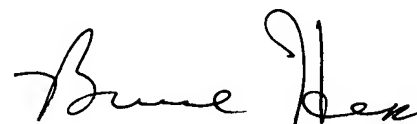
Claims 10-16, 22, 29, 30 and 35-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The pertinent portions of the references are:

Art Unit: 1774

Fisch et al. (see column 7, lines 55-66 ; column 8, lines 3, 9-11, 24, 42 and 48-51; and column 9, lines 15-18).

Watanabe et al. (see page 6, lines 57 and 58 and page 8, lines 25 and 26).

A handwritten signature in black ink, appearing to read "Bruce H. Hess". The signature is fluid and cursive, with the first name "Bruce" and last name "Hess" clearly distinguishable.

BRUCE H. HESS
PRIMARY EXAMINER
GROUP 1300